

## In the United States Patent and Trademark Office

In re the application of: )  
Jagir Razak Jainul )  
Abdeen Hussan )  
 )  
Filed: 10/31/2003 ) Group Art Unit: 1631  
 )  
For: Multisequence Data ) Examiner: Pablo S. Whaley  
Representation )  
 )  
Application No. 10/699,024 )  
 )  
Applicant's Docket: )  
JP920030152US1 )

## SUPPLEMENTAL REPLY BRIEF

This Supplemental Reply Brief is responsive to Examiner's Supplemental Answer of December 20, 2011.

The Supplemental Examiner's Answer states that appellant argues it is improper for examiner to raise a new issue. Supplemental Examiner's Answer, page 2 ("The reply brief argues (on pages 1-2) that the Examiner's Answer improperly included a new ground of rejection.") However, appellant did not make such an argument. Appellant understands that it is clearly permissible for an examiner's answer to raise a new ground of rejection. See, for example, Manual of Patent Examining Procedure, section 1207.03 (New Ground of Rejection in Examiner's Answer).

What appellant indicated is that the Reply Brief was necessitated by a new basis of rejection in Examiner's Answer, which Examiner's Answer indicated rendered appellant's prior arguments "moot." See, for example, Reply Brief, page 6, lines 4-6 ("As stated herein above, a modification is alluded to on page 21 of Examiner's Answer. The Answer considers that this modification makes a previous argument of appellant moot.") referring to Examiner's Answer, lines 5-7 ("in response to appellant's arguments, on pages 21, regarding KSR

International Co. v. Teleflex Inc., 550 U.S. 398 (2007), the rejection of step viii) has been modified after a further review of the teachings of Rigoutsos . . .") and line 11 ("Accordingly, appellant's arguments on this point are moot."). See also, Reply Brief, page 6, lines 9-14 ("Accordingly, appellant has responded herein above to arguments in Examiner's Answer regarding this matter. However, it is not entirely clear whether the modification to which Examiner's Answer alludes concerns this or some other matter. Therefore, appellant now turns to other arguments presented in the Examiner's Answer to avoid any penalty for failing to find a modification therein that renders moot some argument by appellant in the Appeal Brief.")

Respectfully submitted,

/anthony v.s. england/

Anthony V. S. England  
Attorney for Applicant  
Registration No. 35,129  
512-477-7165  
a@aengland.com